

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ORDER STRIKING AND UNFILING DOCUMENT(S)

OCT - 1 2009

The Clerk has identified a defect in the form of the document(s) indicated below, and the Court has independently determined that the document(s) should be stricken and unfiled. Accordingly, it is ordered that the document(s) is/are stricken from the record of this case, and the Clerk is directed to note on the docket that the document(s) has/have been unfiled.

DATE

10/1/09

U.S. DISTRICT/MAGISTRATE JUDGE

## NOTICE OF DEFICIENCY

Judge: McBryde

Date: Sep 30, 2009

Case Number: 4:06-cv-891-A

Style: Merced vs. City of El Paso

Deputy Clerk: wb

Telephone Number: 817/550-6612

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(159)

A(n) Motion for Atty Fees (#156), Cert of Interested Persons (#157), Motion for Attys Fees(#158), Brief (#159) has been filed by

Plaintiff

and is considered deficient in the area(s) noted below:

- \_\_\_ 1. A civil cover sheet must be filed with the complaint. See LR 3.1(a) or LR 3.2(c).
- \_\_\_ 2. The document(s) must be in proper form. See LR 10.1 or LCrR 49.3.
- \_\_\_ 3. The signature of the attorney of record, which includes a party proceeding *pro se*, is required on each document filed. See FED. R. Civ. P. 11(a), FED. R. Crim. P. 49(d), LR 11.1(b), or LCrR 49.5(b).
- \_\_\_ 4. A completed certificate of service is required. See FED. R. Civ. P. 5(d) or FED. R. Crim. P. 49(d).
- \_\_\_ 5. Each separate document contained therein must be identified. See LR 5.1(c) or LCrR 49.2(c).
- \_\_\_ 6. The motion must include:
  - a. \_\_\_ certificate of conference or inability to confer. See LR 7.1(b) or LCrR 47.1(b).
  - b. \_\_\_ brief in support of motion. See LR 7.1(d), LR 56.5(a), or LCrR 47.1(d).
  - c. \_\_\_ proposed order. See LR 7.1(c) or LCrR 47.1(c).
  - d. \_\_\_ documentary or non-documentary evidence in a separate appendix. See LR 7.1(i) or LR 56.6.
- \_\_\_ 7. A motion for leave to amend must have a copy of the proposed amended pleading attached as an exhibit. See LR 15.1(a) and (b). If the motion for leave to amend is filed on paper, the motion must be accompanied by an original and second copy of the proposed amended pleading that is neither attached to the motion nor made an exhibit to the motion. See LR 15.1(a).
- \_\_\_ 8. A motion for continuance of a trial setting must be signed by the party as well as by the attorney of record. See LR 40.1.
- \_\_\_ 9. An attorney seeking *pro hac vice* admission must apply for admission on an approved form and pay the applicable fee. See LR 83.9(b) or LCrR 57.9(b).
- \_\_\_ 10. Additional copies are required. See LR 5.1(b) or LCrR 49.2(b).
- \_\_\_ 11. The attorney filing the pleading is not admitted to practice in this district. See LR 83.7 or LCrR 57.7.
- \_\_\_ 12. The document requires a separately signed certificate of interested persons. See LR 3.1(c), LR 3.2(e), LR 7.4, LR 81.1 (a)(3)(D), or LR 81.2.
- ☒ 13. Other: Documents filed electronically; case not designated for electronic filing.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

JOSE MERCED, PRESIDENT,  
TEMPLO YORUBA OMO  
ORISHA TEXAS INC.  
Plaintiff

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Civil Action No. 4-O6CV-891—A

V.

THE CITY OF EULESS  
Defendant

PLAINTIFF'S MOTION FOR ATTORNEY FEES

TO THE HONORABLE JUDGE OF THE COURT:

José Merced, plaintiff, moves this court to award him the attorney fees he has incurred in this matter, and respectfully therefore shows the following:

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

JOSE MERCED, PRESIDENT,  
TEMPLO YORUBA OMO  
ORISHA TEXAS INC.  
Plaintiff

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Civil Action No. 4-06CV-891—A

V.

THE CITY OF EULESS  
Defendant

**CERTIFICATE OF INTERESTED PERSONS**

In the remanded cause of Jose Merced, President, Templo Yoruba Omo Orisha Texas, Inc., *Plaintiff-Appellant* v. Kurt Kasson, Mike Collins, Bob Freeman and City of Eules, *Defendants-Appellees* and Jose Merced, President, Templo Yoruba Omo Orisha Texas, Inc., *Plaintiff-Appellee* v. City of Eules, *Defendant-Appellant* (Appeal Nos. 08-10358, 08-10506), the following persons and have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

José Merced (Plaintiff-Appellant)

Templo Omo Orisha Texas, Inc. (Plaintiff's religious organization)

City of Eules (Defendant-Appellee)

Professor Douglas Laycock (Attorney for Plaintiff-Appellant)

Eric Rassbach (Attorney for Plaintiff-Appellant)

Hannah Smith (Attorney for Plaintiff-Appellant)

Lori Windham (Attorney for Plaintiff-Appellant)

Luke Goodrich (Attorney for Plaintiff-Appellant)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**JOSE MERCED, PRESIDENT, TEMPLO  
YORUBA OMO ORIHSA TEXAS INC.,**

**Plaintiff,**

**v.**

**THE CITY OF EULESS,**

**Defendant.**

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**Civil Action No. 4:06-cv-00891-A**

**PLAINTIFF'S MOTION FOR ATTORNEYS' FEES**

TO THE HONORABLE JUDGE OF THE COURT:

Pursuant to TEX. CIV. PRAC. & REM. CODE § 110.005(a)(4), the Fifth Circuit's previous order concerning attorneys' fees in this matter, and for the reasons stated in the attached Brief in Support of Plaintiff's Motion for Attorney's Fees on Appeal, Plaintiff Jose Merced respectfully moves this court to award attorney fees of \$245,321.25 and untaxed expenses of \$1,976.27 for services provided in this case by attorneys Prof. Douglas Laycock, Eric Rassbach, Hannah Smith, Luke Goodrich, and Lori Windham.

Respectfully submitted,



John Wheat Gibson, P.C.  
By John Wheat Gibson  
Texas Bar No. 07868500  
701 Commerce, Suite 800  
Dallas, Texas 75202  
(214) 748-6944, FAX (214) 748-8693  
jwg@jwgpcc.com  
Attorney for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**JOSE MERCED, PRESIDENT, TEMPLO  
YORUBA OMO ORIHSA TEXAS INC.,**

**Plaintiff,**

**v.**

**THE CITY OF EULESS,**

**Defendant.**

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**Civil Action No. 4:06-cv-00891-A**

**PLAINTIFF'S BRIEF IN SUPPORT OF  
MOTION FOR ATTORNEYS' FEES**